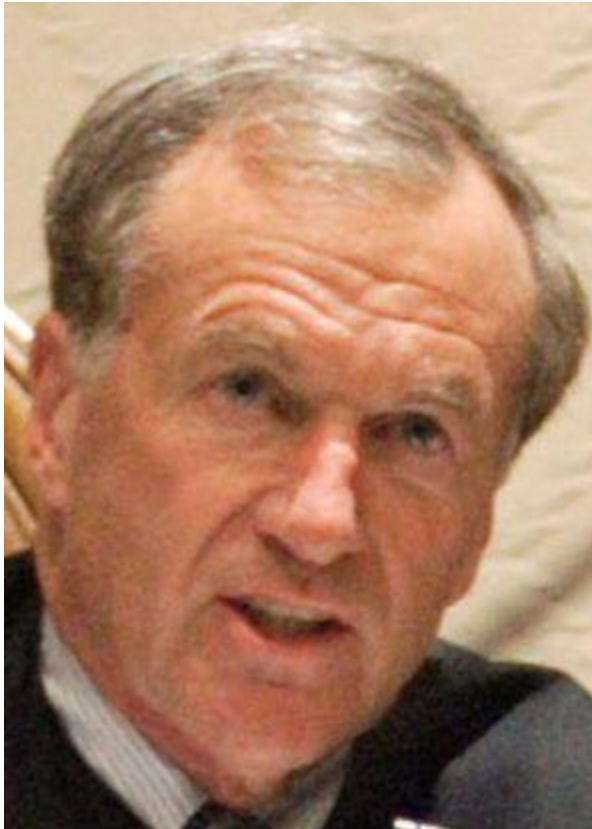


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## **Editorial: The loss of Supreme Court justice Jim Johnson's lonely, conservative voice**

Justice Jim Johnson served as an important, if lonely, conservative voice on the state Supreme Court.

Seattle Times Editorial



Washington Supreme Court Justice Jim Johnson

THE state Supreme Court is losing a critical, if lonely, conservative voice in the retirement of Justice Jim Johnson. On government transparency, individual liberties and the free flow of commerce, Johnson eloquently planted libertarian-leaning flags in the state's left-leaning jurisprudence.

In January, he was the sole dissenter against the nine-member court's overtly political order in *McCleary v. State of Washington*, the case mandating more education funding, which went so far as to seemingly elevate teacher salary above student needs.

He wrote to "express concern over the impropriety — indeed unconstitutionality — of the court's expanding exercise of continuing jurisdiction over the school system." And he pointed out the absurd lengths the court would have to go to force lawmakers to do its bidding. "Should we fine or imprison them?" he wrote.

He was a strong voice for holding government secrecy in check, dissenting from a majority ruling that assured the governor an overbroad executive privilege to withhold records. "The majority has 'slammed the door on open government as it pertains to the governor,'" he wrote.

He was right-leaning, but not always right. Johnson disputed the fundamental right of same-sex marriage, and was the sole dissent in a ruling limiting the right for minors to own a gun. In 2010, he marred his legacy with insensitive, uninformed comments disputing the role that discrimination plays in the vastly disproportionate imprisonment of African Americans.

Notwithstanding that mistake, Johnson came to the court well-prepared, having argued perhaps 100 cases before the high court before being elected. His sharp mind, work ethic and humble deference to the constitution will be missed.

He retires April 30, due to unspecified health reasons. Justices are elected, but until Johnson's seat can be filled by voters in November, Gov. Jay Inslee has an opportunity to appoint a successor. He should keep in mind that Johnson, who was twice elected, served as a counterbalance to a more liberal majority.

*Editorial board members are editorial page editor Kate Riley, Frank A. Blethen, Ryan Blethen, Sharon Pian Chan, Lance Dickie, Jonathan Martin, Thanh Tan, William K. Blethen (emeritus) and Robert C. Blethen (emeritus).*